

ADVISORY OPINION 98-007

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

June 30, 1998

Hon. Paul P. Burchett
Prestonsburg City Attorney
90 North Lake Drive
Prestonsburg, Kentucky 41653

Dear Mr. Burchett:

This is in response to your May 28, 1998 request for an advisory opinion regarding whether a mayoral candidate and eight (8) candidates for city council may jointly advertise for their re-election. You state that the Mayor of Prestonsburg and the city council members who are running for re-election have proposed running joint newspaper advertisements and splitting the cost nine ways.

Kentucky campaign finance law does not prohibit candidates from sharing the cost of advertising. In a prior advisory opinion, 93-009, a copy of which is attached for your review, the Registry opined that "a candidate may split costs with other candidates so long as each candidate . . . pays for his fair share." However, note that KRS 121.175 requires that funds be expended in furtherance of the candidate's campaign. For example, a joint advertisement in which one candidate's name is presented with more prominence than the others would reduce the value of the advertisement for the other candidates.

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Regarding the method of payment for the advertising, KRS Chapter 121 requires each candidate to pay for his share of the cost of a joint advertisement with a separate check issued from the candidate's primary campaign depository. Specifically, KRS 121.220(1) requires a candidate to make campaign expenditures from the designated campaign depository. Further, KRS 121.180(10) prohibits candidates and campaign committees from making expenditures to further the candidacy of another. Therefore, to comply with the reporting provisions of Kentucky campaign finance law, candidates paying for a joint newspaper advertisement must pay for their fair share of the cost with separate checks.

Finally, note that KRS 121.190(1) requires a disclaimer on all campaign advertising. A joint newspaper advertisement requires a disclaimer identifying all of the candidates who jointly paid for the cost of the advertisement.

This opinion is based on the facts presented in your letter. If you have any additional questions, please do not hesitate to contact the Registry staff.

Sincerely,

Rosemary F. Center
General Counsel

RFC/db
Enclosure: Advisory Opinion 93-009